

DET 070164
 UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION

Martha Daniels Bey, Martha D. Daniels, ex rel,)

In Properia Persona and Melkiyah El,

In Properia Persona,

Plaintiffs,

vs

RESURGENT MORTGAGE SERVICING,

Respondent.

Case 2:14-mc-51040

Judge: Drain, Gershwin A.

MJ: Grand, David R.

Filed: 07-31-2014 At 03:37 PM

OTH DANIELS BEY V. RESURGENT MORTGAGE SERVICING (DA)

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Melkiyah El, In Properia Persona

Martha Daniels Bey, Martha D. Daniels, ex rel,

In Properia Persona

[23309] Ford Road, #144

Dearborn, Michigan [48128-9998]

(313) 452-7457

RESURGENT MORTGAGE SERVICING, INC.

P.O. BOX 1410

Troy, MI 48099-1410

(866) 825-2174

LETTER ROGATORY

STATUS

Foreign Moroccan National

Department of Justice Number AA 222141; Classification A-1

Foreign Relations and Intercourse, Title 22

SUBJECT MATTER JURISDICTION

Constitution of the United States of America North Continent Presented in 1787

United States Constitution, Article 3 Section 1 & 2

Treaty of Peace and Friendship 1836

Declaration of Rights of Indigenous Peoples

United Nations Declaration of Human Rights

Melkiyah El and Martha Daniels Bey (Martha D. Daniels, ex rel), submit this Letter Rogatory in the interests of justice and request immediate judicial assistance for the prompt and proper due process of law guaranteed by the Fifth Amendment of the Bill of Rights. This request is made with the authority of the United States Constitution, Treaty of Peace and Friendship (1787), divine law, International Laws of Commerce and Trade, Foreign Relations and Intercourse Title 22, and the Moroccan Empire. This Letter Rogatory is submitted pursuant to the All Writs Act, 28 USC §1651 and §1696.

The information obtained from this Letter Rogatory request is necessary in obtaining evidence into the investigation of unauthorized claims, unfair debt collection practices and misrepresentations made by BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE LOAN TRUST 2006-18CB, MORTGAGES PASS-THROUGH CERTIFICATES, SERIES 2006-18CB (hereinafter referred to as "BNY MELLON") and RESURGENT MORTGAGE SERVICING (hereinafter referred to as "RESURGENT") regarding real property located at: **Lot 250, Walden Woods Subdivision No. 4, according to the plat thereof, as recorded in Liber 120, Pages 60 through 65, both inclusive of Plats, Wayne County Records, commonly known as 43487 N. Timberview Drive, Belleville, Michigan (hereinafter referred to as the "Estate Property")**. These misrepresentations of a mortgage debt owed by MARTHA D. DANIELS to BNY MELLON are unfounded as a contract does not exist between MARTHA D. DANIELS and BNY MELLON or MARTHA D. DANIELS and RESURGENT. Neither BNY MELLON or RESURGENT have given anything valuable consideration to MARTHA D. DANIELS in exchange for the alleged mortgage(s) and note(s). These misrepresentations are a violation of contract law, Fair Debt Collection Practices Act and due process. The United States District Court Eastern District of Michigan shall compel Respondent to produce the requested evidence and documentation for inspection and to be placed on the record:

1. **RESURGENT MORTGAGE SERVICING, INC.**
P.O. BOX 1410
Troy, MI 48099-1410
(866) 825-2174

DESCRIPTION OF EVIDENCE AND/OR DOCUMENTS TO BE PRODUCED BY RESURGENT MORTGAGE SERVICING (hereinafter referred to as the "servicer"):

1. As the servicer to BNY MELLON, provide a certified copy all documentation relied upon to support the claim BNY MELLON has leveraged tangible property in exchange for alleged mortgage(s) and note(s) from Martha Daniels, ex rel;
2. Provide a certified copy of all documentation of recorded assignments with the Wayne County Register of Deeds relied upon to determine BNY MELLON received ownership and secured interest in the alleged mortgage(s) and note(s) regarding the Estate Property prior to May 13, 2006;
3. As the servicer of the alleged trustee BNY MELLON, provide a detailed accounting of all financial transactions regarding the Estate Property, to include all payable and received funds (front and back endorsements);
4. Provide a certified copy of the proof of funding of BNY MELLON's successful bid of \$164,900.00 at the February 13, 2014 sale, and the names of the payors and payees, their addresses, telephone numbers;
5. Provide a certified copy of the cancelled draft instrument (front and back endorsements) BNY MELLON utilized to purchase the Estate Property as the successful bidder at the February 13, 2014 sale;

6. Provide all documentation and evidence relied upon to support the trustee BNY MELLON's claim Martha Daniels, ex rel, borrowed money;
7. Provide all documentation relied upon prior to February 13, 2014 to determine MARTHA D. DANIELS defaulted on a mortgage debt owed to BNY MELON to include all notices to MARTHA D. DANIELS for the calendar years 2011, 2012, and 2013; and
8. Produce all recorded documentation relied upon to determine a lawful written contract existed between MARTHA D. DANIELS and MERS, MARTHA D. DANIELS and BNY MELLON, and MARTHA D. DANIELS and servicer;

BRIEF FACTS OF CASE

This matter stems from fraudulent misrepresentations from RESURGENT and BNY MELLON that MARTHA D. DANIELS is in default of a mortgage allegedly owed to BNY MELLON. Lawful evidence or proofs of this alleged indebtedness to BNY MELLON have not been produced for the record and violates the Fair Debt Collection Practices Act. Martha Daniels, ex rel, is the only equity party of interest with full faith and credit and the only Secured Party Creditor in this matter. An affidavit and certificate of existence of trust was recorded with the recorder on December 16, 2013 at Liber 51223, Page 642. The Estate Property is a documented asset of the MARTHA DANIELS TRUST as recorded by quit claim deed with the clerk on December 17, 2013 at Liber 51224, Page 1495. Respondent has breached its fiduciary duties to the Public Trust.

This matter involves Foreign Relations and Intercourse and a failure of due process of law. Immediate judicial intervention is necessary to thoroughly investigate and ensure all evidence relied upon by the Respondent is produced for inspection and placed on the record to substantiate BNY MELLON's and RESURGENT's alleged claims of ownership and interest in alleged mortgage(s) and note(s) regarding the Estate Property.

Notice to Agent is Notice to Principal – Notice to Principal is Notice to Agent

SPECIAL METHODS OR PROCEDURES TO BE FOLLOWED

1. Respondent must respond in writing under oath and under the penalty of perjury; and
2. Respondent must produce the requested evidence and documentation to the Clerk of the Court, U.S. District Court Eastern District of Michigan, proposed Order attached.

REQUEST FOR NOTIFICATION OF TIME AND PLACE FOR EXAMINATION

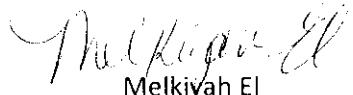
August 7, 2014 at 11:00 a.m.

Clerk of the Court, U.S. District Court for the District of Columbia
231 W. Lafayette
Detroit, MI 48226

RECIPROCITY IF NOT COMPLIED WITH

Non-compliance of this Letter Rogatory will result in a failure of Respondent to lawfully present all evidence for inspection and placement on the record to support Respondent's claims in this matter. A non-response or incomplete response to this Letter Rogatory by Respondents is deemed a non-response and agreement to the terms of self-effectuating tacit acquiescence and tacit procuration and Respondent will be in dishonor. Further, non-compliance of this Letter Rogatory will bring further harm to Martha Daniels, ex rel, and the MARTHA DANIELS TRUST. This request is made with the consideration of reasonable copy costs to be paid if necessary.

Respectfully submitted,



Melkiyah El

Dated: July 30, 2014

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION

Martha Daniels Bey, Martha D. Daniels, ex rel,)
In Properia Persona and Melkiyah El,)
In Properia Persona,)
Plaintiffs,) Case No. 2014-_____
vs)
RESURGENT MORTGAGE SERVICING,)
Respondent.)

ORDER

This matter coming before the Court on behalf of the plaintiffs' Letter Rogatory dated July 29, 2014 and the Court being otherwise fully advised:

IT IS ORDERED Respondents shall provide all evidence and documentation for inspection as requested in plaintiffs' Letter Rogatory dated July 30, 2014.

IT IS SO ORDERD.

Dated:

U.S. DISTRICT COURT JUDGE